

UNITED STATES DISTRICT COURT

for the

District of Arizona

United States of America)

v.)

Ryan James Ferraro (1),)

Matthew Jacob Gattis (2), and)

Nestor Daniel Astorga-Villegas (3))

Defendant

Case No.

11-6430 m

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of 8/8/11 to 8/10/11 in the county of Maricopa in the District of

Arizona, the defendant violated

18

U. S. C. § 371, 2113(a) and (d), and 2 (Count 1);
371, 924(c)(1)(A) and (2) (Count 2)

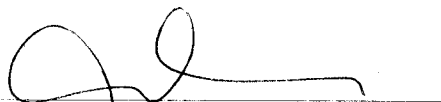
, an offense described as follows:

See attached Counts 1 and 2

This criminal complaint is based on these facts:

See attached Statement of Probable Cause

X Continued on the attached sheet.


 APPROVED BY A. BACUS, ANSA


 Complainant's signature
Steven Paul, Task Force Officer, FBI
Printed name and title

Sworn to before me and signed in my presence.

Date: Aug 12, 2011



Judge's signature

City and state: Phoenix, Arizona

David K. Duncan, U.S. Magistrate Judge
Printed name and title

COUNT 1

On or about August 8, 2011 to August 10, 2011, in the District of Arizona, defendants RYAN JAMES FERRARO, MATTHEW JACOB GATTIS, and NESTOR DANIEL ASTORGA-VILLEGAS did conspire with each other to commit violations of the following offenses against the United States of America: Title 18, United States Code, Sections 2113(a) and (d) and 2, Armed Bank Robbery and Aid and Abet.

OVERT ACTS

In furtherance of the conspiracy and to affect the objectives thereof, the defendants performed the following overt acts, among others, within the District of Arizona:

(1) On or about August 8, 2011 to August 10, 2011, RYAN JAMES FERRARO, MATTHEW JACOB GATTIS, and NESTOR DANIEL ASTORGA-VILLEGAS communicated regarding bank robbery, to include in-person meetings.

(2) On or about August 8, 2011 to August 10, 2011, MATTHEW JACOB GATTIS provided RYAN JAMES FERRARO with two firearms to use in the bank robbery.

(3) On or about August 8, 2011 to August 10, 2011, RYAN JAMES FERRARO and MATTHEW JACOB GATTIS prepared a backpack containing items needed to commit the armed bank robbery, including the aforementioned firearms, zip ties formed into handcuffs by RYAN JAMES FERRARO, maps of the bank, and disguises (including a tee shirt prepared by RYAN JAMES FERRARO, a wig, and sunglasses provided by MATTHEW JACOB GATTIS).

(4) On or about August 8, 2011 to August 10, 2011, NESTOR DANIEL ASTORGA-VILLEGAS provided RYAN JAMES FERRARO detailed information regarding security and amount of available currency located at, as well as hand-drawn maps of the interior of, the Wells Fargo Bank located at 455 North 3rd Street, Suite 264, Phoenix, Arizona, for the purpose of committing a robbery therein.

In violation of Title 18, United States Code, Sections 371, 2113(a) and (d), and 2.

COUNT 2

On or about August 8, 2011 to August 10, 2011, in the District of Arizona, defendants RYAN JAMES FERRARO, MATTHEW JACOB GATTIS, and NESTOR DANIEL ASTORGA-VILLEGAS did conspire with each other to commit violations of the following offenses against the United States of America: Title 18, United States Code, Sections 924(c)(1)(A) and 2, Use of a Firearm During a Crime of Violence and Aid and Abet.

OVERT ACTS

In furtherance of the conspiracy and to affect the objectives thereof, the defendants

performed the following overt acts, among others, within the District of Arizona:

(1) On or about August 8, 2011 to August 10, 2011, RYAN JAMES FERRARO, MATTHEW JACOB GATTIS, and NESTOR DANIEL ASTORGA-VILLEGAS communicated regarding how firearms would be used in a bank robbery, to include in-person meetings.

(2) On or about August 8, 2011 to August 10, 2011, MATTHEW JACOB GATTIS provided RYAN JAMES FERRARO with two firearms to use in the bank robbery, specifically, a loaded, Glock .40 caliber semi-automatic handgun, serial number LKK445 and a loaded Hellcat .380 caliber semi-automatic handgun, serial number 00578.

(3) On or about August 8, 2011 to August 10, 2011, RYAN JAMES FERRARO and MATTHEW JACOB GATTIS prepared a backpack containing items needed to commit the armed bank robbery, including the aforementioned firearms.

(4) On or about August 8, 2011 to August 10, 2011, NESTOR DANIEL ASTORGA-VILLEGAS provided RYAN JAMES FERRARO detailed information regarding security and amount of available currency located at, as well as hand-drawn maps of the interior of, the Wells Fargo Bank located at 455 North 3rd Street, Suite 264, Phoenix, Arizona, for the purpose of committing a robbery therein.

In violation of Title 18, United States Code, Sections 371, 924(c)(1)(A), and 2.

Statement of Probable Cause

Your affiant, FBI Task Force Officer Steven Paul, being duly sworn, deposes and says to wit:

I am a Detective with the Phoenix Police Department currently assigned to the Federal Bureau of Investigation's (FBI) Bank Robbery Task Force. I have been deputized as a special Deputy United States Marshal, which gives me the authority to investigate violations of Title 18 of the United States Code. I have been employed by the Phoenix Police Department for over eighteen years and have been a detective for nine years. During my career as a Police Officer I have investigated over a hundred bank robberies. This investigation involves a conspiracy to commit an armed bank robbery in the District of Arizona. The following information was gathered from my investigation or was reported to me by other law enforcement officers with whom I work:

On Thursday, August 4, 2011, I was contacted by a Confidential Human Source (CHS) who provided information in reference to a subject, who was conspiring with other unknown subject(s) to commit an armed robbery of a bank. The CHS stated that during a recent conversation with a subject, known to the CHS as Ryan Ferraro, Ryan said that he was planning to rob a bank in which he has a friend who works inside. Ryan further said that he had scouted the bank on several occasions in order to determine the layout of the interior and exterior of the bank, number of security cameras, security camera angles of vision and number of employees. Ryan went on to state that his friend, who works for the bank, could provide the number of employees working at any given time, location of the alarm buttons,

1 any and all security devices, and the days/times when the bank would be stocked with a large
2 amount of money. Upon conclusion of my conversation with the CHS, arrangements were
3 made for us to speak again the next day.

4 After obtaining this information, I conducted a records check on the name of
5 Ryan Ferraro. Based on the description of Ryan provided by the CHS, I found an Arizona
6 Motor Vehicle Department ("MVD") record bearing the name of Ryan James Ferraro, which
7 included a current photograph.

8 On August 5, 2011, I met with the CHS and showed him the MVD photograph
9 of Ryan James Ferraro. The CHS positively identified the male in the photo as the
10 aforementioned subject known to him as Ryan Ferraro. The CHS then provided further
11 details about the impending bank robbery that Ryan had told him. Ryan had said that the
12 bank he was planning to rob is the Wells Fargo Bank, located at Third Street and Van Buren
13 (455 North 3rd Street, Suite 264, inside the Arizona Center, Phoenix, Arizona, located within
14 the District of Arizona). Ryan went on to describe the details of the robbery as follows. At
15 approximately ten minutes before the bank was to close, the robber was to walk into the
16 branch. The manager would be in the back room with the safe open and the "inside man"
17 would be at the teller station. Ryan told the CHS that he (Ryan) had constructed a tee shirt
18 disguise which the robber would use to cover his face. Upon entering the bank, the robber
19 would step to one side and into a blind spot, out of view from the security cameras. Once in
20 the blind spot, the robber would put on the tee shirt disguise. The robber would then lock the
21 front door and escort the "inside man," would be posing as a victim, into the back room. In

1 the back room, the robber would stand both of the employees up, take their cell phones, and
2 then empty a backpack that the robber would bring with him into the bank. The backpack,
3 which Ryan would supply, would have zipties formed into handcuffs inside and would serve
4 as the receptacle. The robber, while brandishing a handgun to be supplied by Ryan, would
5 instruct the employees to fill the backpack with money. After the employees finished loading
6 the backpack with money, the robber would instruct them to put the zip ties on their hands
7 and feet. The robber would then tighten the zip ties, look out of the back room into the lobby
8 in order to make sure nobody was there, and then exit the bank. The robber would walk back
9 to the vehicle where Ryan would be waiting.

10 Ryan had also told the CHS that the getaway vehicle Ryan would use was a
11 white Ford Ranger pickup truck. Ryan said he had obtained a fake license plate that he would
12 place onto the Ford truck. Ryan further stated that he would supply the robber with a .380
13 caliber handgun. In addition to the tee shirt to use during the robbery, Ryan would also
14 provide the robber with a wig, as well as mascara that would be used to produce a fake beard.
15 Ryan would not provide the name of the "inside man" at the bank, but he described the
16 "inside man" as a Mexican male, tall and skinny with a "high and tight" (haircut).

17 After obtaining the name and location of the bank in question, investigators
18 contacted Wells Fargo Bank corporate security personnel. TFO Detective A. Engelbeck
19 obtained a list of all employees currently employed at the aforementioned Wells Fargo
20 branch. The branch is quite small, with only two male employees. One of those male
21 employees was identified as Nestor Astorga-Villegas. Investigators obtained an Arizona

1 MVD record for Nestor Daniel Astorga-Villegas, which included a photograph. Based on the
2 MVD record, Nestor was found to fit the physical description of the “inside man” working
3 at the bank. Investigators also checked the publicly-accessible portion of a Facebook account
4 under the name of Ryan Ferraro and found that Nestor was listed as a “friend” to Ryan.

5 Based on the information obtained thus far, I contacted FBI Special Agent K.
6 Thompson who works in an undercover capacity. I briefed SA Thompson as to the details
7 of the bank robbery conspiracy and requested that he attempt to make contact with Ryan. On
8 Tuesday, August 9, 2011, SA Thompson made contact with Ryan inside the Arizona Center,
9 which is located at 400 East Van Buren Street. This shopping and entertainment complex
10 houses the Wells Fargo Bank (455 North 3rd Street, Suite 264) which is located upon the
11 second floor in the middle of the complex. During their conversation, Ryan told SA
12 Thompson that he (Ryan) could get Thompson some security guard uniforms from the same
13 company which patrols the Arizona Center. Ryan then pointed out the Wells Fargo Bank and
14 told Thompson that he had floor plans to the interior of the bank. He went on to describe the
15 layout of the bank along with information that the vault door would be open. He stated the
16 bank did not have security devices and the drawers utilize a two key operation in order to get
17 them open.

18 Ryan then described how Thompson was to use the disguise he (Ryan) created,
19 the amount of time needed to complete the robbery, and he further told Thompson that
20 Thompson could rough up and pepper spray the inside guy along with any other employees.
21 As the meeting concluded, Ryan pointed out the location where he (Ryan) would be parked

1 with the getaway vehicle and waiting while Thompson committed the armed robbery. Ryan
2 discussed the type of firearms to be used in the robbery and said he would supply Thompson
3 with a Glock .40 caliber handgun. Ryan told Thompson that the robbery had to happen on
4 Thursday, August 11, because the bank would be getting a large delivery of money on
5 Wednesday, August 10. After the meeting, Thompson provided me with an audio recording
6 and the Phoenix Police Department Technical Surveillance Squad provided me with a video
7 recording of this meeting.

8 On Wednesday, August 10, 2011, SA Thompson met with Ryan at the Tempe
9 Market Place shopping center inside Ryan's black Nissan Pathfinder. During this meeting,
10 Ryan gave SA Thompson a backpack of items to be used in the robbery. Ryan also
11 introduced SA Thompson to the owner of the guns and the getaway car. The owner drove
12 up right next to the Pathfinder in a white Ford Ranger pickup truck, parked, and got into the
13 Pathfinder. Ryan introduced the truck and firearms owner to SA Thompson as "Matt," and
14 all of them discussed the robbery plans. Matt told SA Thompson that both of the firearms
15 belonged to him along with the white Ford Ranger pickup truck (bearing Arizona license
16 plate ARF0341). Matt told Thompson that he (Matt) was aware his guns and truck were
17 going to be used in a bank robbery. Matt assured Thompson that the truck was in good
18 working order. Matt also told Thompson that Matt had supplied, in the backpack, a pair of
19 green in-frame sunglasses with orange shooting lenses (like to wear shooting firearms). Matt
20 also referred to the inside man as "Story" (later to be identified as Nestor Astorga-Villegas),

1 and SA Thompson noted that Ryan looked upset when Matt disclosed the bank employee's
2 name.

3 During the meeting, Matt and Ryan also told SA Thompson that they would
4 be removing two distinguishing stickers from the back of Matt's pickup truck. SA
5 Thompson observed the two stickers from the Pathfinder. Matt and Ryan spoke of their
6 plans to remove the original stickers and then replace them with new, identical ones after the
7 robbery. Ryan also showed Thompson the license plate that would be on the pickup truck.
8 Ryan told SA Thompson that he had found it while working security and decided to take it
9 and "save it for a rainy day." Ryan said the license plate had become useful. However, Ryan
10 also said he would go out and look for a different white Ford Ranger and steal its license
11 plate. Ryan also instructed Thompson that after the robbery, Thompson was to jump in the
12 bed of the pickup truck and remove and dispose of the illegal license plate.

13 Upon conclusion of the meeting, Matt and Ryan left the area in Ryan's black
14 Nissan Pathfinder vehicle. Surveillance units, who had been monitoring the meeting,
15 obtained the license plate of the Ford truck and found that it was registered to Matthew Jacob
16 Gattis. Your affiant obtained an Arizona MVD photograph of Matthew Jacob Gattis and
17 presented it to SA Thompson. SA Thompson positively identified the photograph from
18 Gattis' drivers license as the same person known to him from the meeting as "Matt."
19 Investigators also found on Ryan's publicly-accessible Facebook profile that Matt Gattis is
20 a "friend" to Ryan on Facebook.

1 After the meeting, the backpack, which was not opened during the meeting, and
2 its contents were subsequently transported to the Phoenix Police Department main
3 headquarters where the contents were photographed, inventoried and impounded as evidence.
4 A search of the backpack revealed that it contained the following items which were to be
5 used during the robbery: a loaded, Glock .40 caliber semi-automatic handgun, serial number
6 LKK445; a loaded Hellcat .380 caliber semi-automatic handgun, serial number 00578; “flex”
7 cuffs (zip ties); two shirts, along with a “template” shirt to be used to create disguises; a pair
8 of green, in-frame sunglasses with orange lenses; and hand-drawn maps depicting the layout
9 of the bank along with the route to be used by the robber within the bank. There was also a
10 handwritten list entitled, “How Not to Get Caught” that detailed steps to be taken to make
11 sure one was not caught for the bank robbery. It should be noted that during the meeting in
12 Tempe, Ryan told Thompson that the flex cuffs had been bleached in order to remove any
13 evidence and the bullets in one of the guns had also been cleaned of evidence.

14 The firearms were traced by Bureau of Alcohol, Tobacco, Firearms and
15 Explosives (“ATF”) Task Force Officer Darrell Smith. The Glock was manufactured in
16 Austria and imported into the United States through Smyrna, Georgia. The Hellcat was
17 manufactured by InterOrdinance in North Carolina. Thus, both firearms have traveled
18 through interstate and/or foreign commerce.

19 On August 11, 2011, surveillance teams located the black Nissan Pathfinder,
20 which belongs to Ryan, in Mesa, Arizona. They also located the white Ford truck, which
21 belongs to Matt, in Scottsdale, Arizona.

1 Based on the many overt acts by Matthew Gattis, including providing loaded
2 firearms to be used during the robbery and providing a getaway vehicle, investigators decided
3 it was in the best interest and safety of the community that Matt be arrested before the
4 commission of the armed bank robbery. At approximately 11:45 a.m. on Thursday, August
5 11, Matt was taken into custody at his place of employment by members of the FBI Violent
6 Crimes Squad. He was subsequently transported to the Phoenix Police Department main
7 headquarters and his vehicle, the white Ford Ranger pickup truck, was towed to the Phoenix
8 Division of the FBI. The truck is currently impounded at the FBI pending the issuance of a
9 search warrant. It should be noted that the two distinguishing stickers that SA Thompson
10 observed on the exterior of the truck in plain-view on August 10 were gone when the truck
11 was impounded on August 11, the day of the planned armed bank robbery.

12 While Matt was being taken into custody, another surveillance team was
13 following Ryan as he left the Mesa address and subsequently arrived at a Wal-Mart store
14 located at 857 North Dobson Road, Tempe, Arizona. Due to Ryan Ferraro's many overt acts
15 in the armed bank robbery conspiracy, including: recruiting others to commit the robbery;
16 coordinating the procurement of the semi-automatic handguns; coordinating the procurement
17 of the getaway vehicle; obtaining and creating the disguises to be used; creating maps of the
18 interior/exterior of the bank; pre-staging zip ties into hand and leg cuffs which were to be
19 used to restrain the bank employees; ensuring he had detailed information as to the
20 operations, security measures, and cash count of the bank; loading the firearms; and taking
21 care to remove his physical trace evidence from the bullets he loaded the firearms with and

1 the zip ties, investigators decided it was in the best interest and safety of the community that
2 Ryan be taken into custody. At approximately 11:45 a.m. on Thursday, August 11, Ryan was
3 taken into custody without incident while shopping at the Wal-Mart store. He was
4 subsequently transported to Phoenix Police Department main headquarters and his vehicle,
5 the black Nissan Pathfinder, was towed to the Phoenix Division of the FBI. The Nissan is
6 currently impounded at the FBI pending the issuance of a search warrant.

7 On August 11, 2011, I conducted an interview with Ryan Ferraro who was
8 seated in a Phoenix Police Department Violent Crimes Bureau interview room. This
9 interview was both audio and video recorded. Upon entering the room, I introduced myself
10 to Ryan and obtained his biographical information. During this portion of the interview, Ryan
11 admitted that he was a current member of the Marine Corps Reserve. I then conducted a post-
12 *Miranda* interview with Ryan. During this portion of the interview, Ryan stated that he was
13 involved in a conspiracy to rob the Wells Fargo Bank as previously described. Ryan admitted
14 that he devised the entire plan, recruited the other participants, obtained the firearms from
15 a friend, created a tee shirt disguise, scouted the bank by actually entering it on at least one
16 other occasion and drew maps of the bank. Ryan went on to admit that a friend of his worked
17 at the bank and provided him with information about security procedures. Ryan also told me
18 the names of all bank robbery participants to include Matt, Nestor and the undercover (SA
19 Thompson), whom he knew only by a first name. Ryan stated that he came up with the plan
20 because he needed money to pay for a shoulder surgery. It should be noted that during one

1 of his meetings with SA Thompson, Ryan told SA Thompson that he would be traveling to
2 Las Vegas, Nevada, the evening after the bank robbery and would then fly to New York.

3 While I was conducting an interview with Ryan, TFO Detective C. Morin was
4 conducting a post-*Miranda* interview with Matt. During this interview, Matt admitted that
5 he was the owner of the aforementioned .380 caliber semi-automatic handgun and the .40
6 caliber Glock semi-automatic handgun. Matt further admitted that he was going to allow the
7 guns and his Ford truck to be used during the commission of a bank robbery. Matt knew this
8 bank robbery was being planned by and was to be executed by Ryan with the aid of Nestor.

9 While the interviews of Ryan and Matt were being conducted, Task Force
10 Officer (TFO) Detective E. Moreno and SA J. Egelston responded to the Wells Fargo Bank
11 located at 455 North 3rd Street, Suite 264, Phoenix, Arizona. Upon arrival, these
12 investigators contacted and subsequently arrested Nestor Astorga-Villegas. Nestor was
13 transported to the Phoenix Police Department Violent Crimes Bureau where a post-*Miranda*
14 interview was conducted by TFO Moreno.

15 During this interview, Nestor told TFO Moreno that he had knowledge of the
16 bank robbery which was to take place at the aforementioned Wells Fargo Bank where he was
17 employed. Nestor knew that two subjects were going to commit the robbery. Nestor said he
18 was never given the identity of the robbers in order to be more convincing as a victim during
19 any post robbery interview with law enforcement. Nestor was not informed as to the specific
20 day of the robbery but did admit to providing Ryan with information about the amounts of

1 money on hand at the bank. He further stated that after the robbery, he was to be given a
2 “cut” of the money.

3 Nestor also admitted to creating two hand-drawn maps of the bank. It should
4 be noted that two hand-drawn maps of what appeared to be the interior and exterior of the
5 bank were found in Ryan’s wallet during a search incident to arrest. These maps were drawn
6 on two Personal Money Order receipts bearing the name “Nestor D. Astorga” along with the
7 date of June 3rd, 2011. Nestor told TFO Moreno that approximately two days ago, he had
8 drawn the maps while sitting in a vehicle with Ryan.

9 Nestor further stated that on a prior occasion, he had spoken with Ryan about
10 keys used to open the bank vault, dual keys used in the bank, and closing times for the
11 branch. He also admitted that he had had a conversation with Matt where they discussed the
12 idea that the robbers may rough him up and possibly spray him with pepper spray during the
13 robbery. Nestor also told TFO Moreno that firearms would be used in the robbery. He stated
14 that he participated because he needed money.

15 Based on the above listed facts, your affiant believes that probable cause exists
16 that Ryan James Ferraro, Matthew Jacob Gattis and Nestor Daniel Astorga-Villegas
17 committed the crime of Conspiracy to Commit Armed Bank Robbery and Aid and Abet in
18 violation of Title 18, United States Code, Sections 371, 2113(a) and (d), and 2, and
19 Conspiracy to Commit Use of a Firearm During a Crime of Violence and Aid and Abet, in


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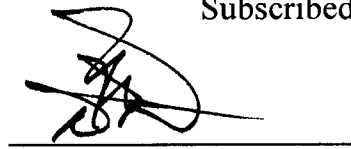
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1 date of June 3rd, 2011. Nestor told TFO Moreno that approximately two days ago, he had
2 drawn the maps while sitting in a vehicle with Ryan.

3 Nestor further stated that on a prior occasion, he had spoken with Ryan about
4 keys used to open the bank vault, dual keys used in the bank, and closing times for the
5 branch. He also admitted that he had had a conversation with Matt where they discussed the
6 idea that the robbers may rough him up and possibly spray him with pepper spray during the
7 robbery. Nestor also told TFO Moreno that firearms would be used in the robbery. He stated
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11 committed the crime of Conspiracy to Commit Armed Bank Robbery and Aid and Abet in
12 violation of Title 18, United States Code, Sections 371, 2113(a) and (d), and 2, and
13 Conspiracy to Commit Use of a Firearm During a Crime of Violence and Aid and Abet, in
14 violation of Title 18, United States Code, Sections 371, 924(c)(1)(A), and 2.

15
16 
17 STEVEN PAUL
18 FBI Task Force Officer
19
20

21 Subscribed and sworn to and before me this 12th day of August, 2011.
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23 
24
25 Hon. David K. Duncan
26 U.S. Magistrate Judge